

### **REMARKS**

Claims 1-6, 8 and 10-15 remain pending in the present application. Claims 7 and 9 have been cancelled. Claim 1 has been amended. Claims 11-15 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 9 has been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claim 7 is rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 61-188214. Applicant respectfully traverses this rejection. Claim 7 has been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 2 and 6-9 are rejected under 35 U.S.C. § 103(a) as obvious over the combined teachings of the un-illustrated two-zone embodiment described in column 2, lines 8-13 of Heinle, et al. (U.S. Pat. No. 5,086,830) and Uemura, et al. (U.S. Pat. No. 6,293,339). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over

the prior art as applied to Claim 1 above, and further in view of Schwarz (U.S. Pat. No. 6,278,083). Applicants respectfully traverse this rejection.

The invention defined by Claim 1 has an air flow rate in the first air passage which is controlled independently by changing the passage opening area of the first air passage by means of the first cold air door and the first hot air door while the proportion of the flow rate of cold air with respect to the flow rate of hot air adjusted by means of the first cold air door and the first hot air door is maintained to be constant; and the air flow rate in the second air passage is controlled independently by changing the passage opening area of the second air passage by means of the second cold air door and the second hot air door while the proportion of the flow rate of cold air with respect to the flow rate of hot air adjusted by means of the second cold air door and the second hot air door is maintained to be constant and the passage opening area of the first air passage defined by the first cold air door and the first hot air door is maintained to be constant. According to this feature, it is possible to increase and decrease the air flow rate discharged to a vehicle compartment while maintaining the proportion of the flow rate of cold air with respect to that of hot air to be constant and it is possible to maintain the passage area in the other air passage to be constant. On the contrary, reference Heinle (US '830) discloses only a cold air door 24 and a hot air door 25 but does not disclose the above-mentioned feature of Claim 1. Heinle discusses in column 2, lines 8-13 the separate setting of the air-conditioning on the driver's side and the passenger's side but Heinle does not disclose that these separate settings are independent from each other as is now defined in amended Claim 1. Reference Uemura (US '339) discloses a configuration in which air mixing doors are provided near an operator seat and near a

front passenger seat, respectively, so as to independently control the temperature around the respective seats, but does not disclose the above-mentioned feature of Claim 1.

Thus, Applicants believe Claim 1 patentably distinguishes over the art of record. Likewise, Claims 2, 5, 6 and 8, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Claims 7 and 9 have been cancelled. Reconsideration of the rejection is respectfully requested.

#### **REJOINDER**

Applicants respectfully request the rejoinder of Claims 3, 4 and 10.

#### **NEW CLAIMS**

Claims 11-15 are new dependent claims which Applicants believe properly further limit their respective base claim. Applicants believe Claims 11-15 read on the elected species.

Claim 11 defines the hot air doors as being disposed between the cooling and heating heat exchangers as illustrated in Figure 1.

Claims 12 and 13 define the cold air door and the hot air door as being coplanar as illustrated in Figure 1.

Claim 14 defines the hot air door as changing the area of the heating heat exchanger open to air flow through the heating heat exchanger as illustrated in Figure 1.

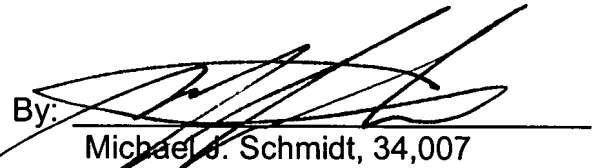
Claim 15 defines the doors as moving towards each other to reduce the proportion of air flow as illustrated in Figure 1.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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